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July 16, 2025

VIA CM/ECF

Hon. Nina R. Morrison, U.S. District Judge
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Steur v. Glock, Inc., et al.
Civil Case No.: 1:22-cv-3192

Dear Judge Morrison:

My office represents Plaintiff Ilene Steur. I write with the consent of the parties and the Intervenor to inform the Court that the United States Court of Appeals for the Second Circuit issued its decision in *Nat'l Shooting Sports Found., Inc. v. James*, No. 22-1374, on July 10, 2025.

By way of background, this action has been stayed pending the Second Circuit's decision in *Nat'l Shooting Sports Found., Inc. v. James*, as that case addresses the facial constitutionality of New York's gun-related public nuisance statute, N.Y. Gen. Bus. Law § 898-a-e, which is relevant to the claims in this matter. The Second Circuit has now affirmed the district court's judgment, holding that the plaintiffs failed to demonstrate that Section 898 is unenforceable in all potential applications, and further concluding that, under the plaintiffs' facial challenge, Section 898 is not preempted by the federal Protection of Lawful Commerce in Arms Act, does not violate the dormant Commerce Clause, and is not void for vagueness.

Plaintiffs in the *NSSF v. James* case have until July 24 to file a petition for *en banc* review of the decision. Given the possibility of a rehearing *en banc*, and the continued relevance of any such rehearing to the claims in this matter, the parties respectfully request that the stay be continued until the expiration of the July 24 deadline to file a petition for rehearing and, if such petition is filed, that the stay be continued pending the outcome of the petition. If the plaintiffs in the *NSSF* case do not file a petition for *en banc* review, or if they do and this case is not further stayed pending the resolution of such a petition, defendant GLOCK, Inc. requests permission to file a motion pursuant to Federal Rule of Civil Procedure 12 in accordance with Rule 5 of Your Honor's individual practice rules.

Thank you for your consideration of this request.

Respectfully submitted,

Mark D. Shirian



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Encl.

cc: All attorneys of record (via ECF service)